

Message Text

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ORIGIN OES-09

INFO OCT-01 EUR-12 EA-10 ISO-00 L-03 ACDA-12 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DLOS-09 DODE-00 DOTE-00 EB-08 EPA-01 SOE-02
DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05 IO-13
JUSE-00 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05
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EA/ANZ-MR. WAJDA
L/OES-MR. COLSON
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FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW PRIORITY
INFO AMEMBASSY WELLINGTON
AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: EFIS, SV, UR, NZ, PLOS, PBOR

SUBJECT: SOVIETS PROTEST APPLICATIONS OF NEW ZEALAND 200-
MILE ZONE TO ANTARCTIC TERRITORIES

REF: MOSCOW 13306

1. BASED ON EXAMINATION OF NEW ZEALAND'S TERRITORIAL SEA
AND EXCLUSIVE ECONOMIC ZONE ACT AND THE RELEVANT NEW
ZEALAND ORDERS-IN-COUNCIL IMPLEMENTING THE ACT, DEPT HAS
CONCLUDED THAT NEW ZEALAND HAS NOT IN FACT ESTABLISHED
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EITHER A 12-MILE TERRITORIAL SEA OR A 200-MILE ECONOMIC
ZONE OFF THE ROSS DEPENDENCY IN ANTARCTICA. THE TERRITOR-
IAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT DOES MAKE PROVI-
SION FOR EXTENDING THE TERRITORIAL SEA AND ESTABLISHING AN
EXCLUSIVE ECONOMIC ZONE OFF THE ROSS DEPENDENCY, BUT THE
RELEVANT ORDERS-IN-COUNCIL WHICH HAVE BEEN ISSUED EXEMPT
THE ROSS DEPENDENCY FROM APPLICATION OF THESE PROVISIONS.

(TECHNICALLY, THE ROSS DEPENDENCY WAS EXCLUDED FROM THOSE PARTS OF NEW ZEALAND OFF WHICH A 12-MILE TERRITORIAL SEA IS ESTABLISHED. ESTABLISHMENT OF AN ECONOMIC ZONE THERE WOULD REQUIRE AN ADDITIONAL ORDER-IN-COUNCIL WHICH HAS NOT RPT NOT BEEN ISSUED.

2. NEW ZEALAND EMBASSY OFFICIALS IN WASHINGTON CONFIRM

THAT GNZ DECIDED AS A POLICY MATTER NOT TO APPLY THE TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT TO THE ROSS DEPENDENCY AT THIS TIME, IN PART TO AVOID COMPLICATING ON-GOING NEGOTIATIONS.

3. DRAWING UPON ABOVE, EMBASSY MOSCOW SHOULD RESPOND INFORMALLY TO SOVIET MFA INDICATING THAT WE DO NOT SHARE SOVIET INTERPRETATION OF GNZ ACTION AND PLAN NO ACTION WITH REGARD TO THIS MATTER. UNTIL SUCH TIME AS ACT IS IMPLEMENTED OFF ANTARCTICA, DEPT DOES NOT BELIEVE IT NECESSARY TO PROTEST FACT THAT ACT INCORPORATES PROCEDURAL FRAMEWORK FOR LATER ESTABLISHMENT OF ZONES OFF ANTARCTICA. EMBASSY MAY ALSO INDICATE THAT SHOULD NEW ZEALAND PASS AN ORDER-IN-COUNCIL WHICH APPLIES THEIR NEW ACT--THE TERRITORIAL SEA, ECONOMIC ZONE OR BOTH--TO THE ROSS DEPENDENCY, OUR VIEWS WOULD BE SUBSTANTIALLY THE SAME AS THOSE REFLECTED IN PARA 3 REFTEL.

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4. FOR CANBERRA: REFTEL BEING REPEATED BOTH CANBERRA AND WELLINGTON. DEPT WOULD BE INTERESTED IN WHETHER GOA INTENDS TO APPLY THEIR 200-MILE ZONE TO THEIR ANTARCTIC CLAIM AND WHETHER THEY HAVE CONSIDERED THE IMPLICATIONS OF THE ISSUE. CHRISTOPHER

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